

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

STATE OF TEXAS, et al.,

*Plaintiffs,*

V.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY;  
ALEJANDRO MAYORKAS, in his official  
capacity as Secretary for DHS; UR  
JADDOU, in her official capacity as Director  
of USCIS; TROY MILLER, in his official  
capacity as the Acting Commissioner of  
CBP; PATRICK J. LECHLEITNER, in his  
official capacity as the Acting Director of  
ICE; the OFFICE OF MANAGEMENT AND  
BUDGET; SHALANDA YOUNG in her  
official capacity as the Director of the Office  
of Management and Budget,

*Defendants.*

[illegible]

Civil Action No. 6:24-cv-00306

## Plaintiffs' Witness and Exhibit Lists in the Event of a Bench Trial

On October 4, 2024, the Court issued an Order directing the parties to, *inter alia*, “confer on how to exchange exhibits before trial and on the admissibility of each exhibit,” and “[e]ach side must file an exhibit list, a witness list, and a notice of its requested time for the presentation of evidence” if at the conclusion of the omnibus hearing on the pending motions, a bench trial is determined to be “necessary [] to resolve factual issues.” *See* ECF No. 69 at 2, 3.

Should the Court find it necessary to proceed to a bench trial after the hearing on the pending motions, Plaintiffs believe that 40 minutes of time will be sufficient to present their case,

with an additional 30 minutes of time to make any arguments on evidentiary issues prior to the start of trial.

Defendants have indicated that they intend to ask the Court for an additional 30 minutes per side to address evidentiary objections specific to summary judgment before the hearing. Plaintiffs believe the court has everything it needs from the parties' summary-judgment briefing to rule on the admissibility of the exhibits on summary judgment, and any further arguments on admissibility should be part of the already allocated argument time.

On October 25, 2024, the parties filed a joint stipulation to govern the hearing and any trial (if necessary). *See* ECF No. 92. Pursuant to this stipulation, the parties agree there will be no live witnesses, and the declarations attached to their briefing will be treated as direct testimony with no need of any in-person presentation by the declarants. *Id.* To the extent the testimony from these declarations should be listed as witnesses, Plaintiffs identify Amy Copeland, Susan Bricker, Rebecca Waltz, and Lloyd B. Potter with their topics of testimony being those set forth in their declarations.

Plaintiffs provided a list of their proposed exhibits to Defendants via email on October 28, 2024, and Defendants provided their objections on October 31, 2024, which are copied in this exhibit list.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-0306

**State of Texas, et al.,**

*Plaintiffs,*

v.

**U.S. Department of Homeland Security, et al.,**

*Defendants.*

Before BARKER, *District Judge*

**PLAINTIFFS' EXHIBIT LIST**

Judge J. Campbell Barker	PLAINTIFFS' ATTORNEYS: RYAN D. WALTERS GARRETT GREENE ZACHARY RHINES JAMES K. ROGERS RYAN GIANNETTI ALAN HURST	DEFENDANTS' ATTORNEYS: BRIAN WARD JOSEPH DARROW CAROLINE MCGUIRE
TRIAL DATE(S): November 5, 2024	COURT REPORTER:	COURTROOM DEPUTY: NICOLE CADENHEAD

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	AGREED AS TO ADMISSIBILITY	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	DEFENDANTS' OBJECTIONS <sup>1</sup>
A			No	Declaration of James K. Rogers, ECF No. 79-1	FRE 802

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<sup>1</sup> Defendants make all potential objections based on the face of the document in an abundance of caution. Defendants may not assert all objections listed at trial depending on the foundation laid and the context in which each exhibit is proffered.

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	AGREED AS TO ADMISSIBILITY	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	DEFENDANTS' OBJECTIONS <sup>1</sup>
A-1			No	<i>Fact Sheet: Biden-Harris Administration Announces New Actions to Expand Opportunities for Latino Communities and Ensure Every Family Has a Fair Shot at the American Dream</i> , THE WHITE HOUSE (July 17, 2024), <a href="https://perma.cc/93ZX-3M7M">https://perma.cc/93ZX-3M7M</a>	FRE 802  Extra Record Evidence
A-2			No	<i>Profile of the Unauthorized Population: United States</i> , MIGRATION POLICY INSTITUTE, <a href="https://perma.cc/JT43-RUCB">https://perma.cc/JT43-RUCB</a> (last accessed on Aug. 8, 2024)	FRE 402, 802  Extra Record Evidence
A-3			No	<i>USCIS Publishes Filing Guide for Keeping Families Together</i> , USCIS, (Aug. 16, 2024), <a href="https://perma.cc/EL6Z-2AUE">https://perma.cc/EL6Z-2AUE</a>	Extra Record Evidence
A-4			No	<i>Filing Guide for Form I-131F</i> , USCIS, (Aug. 16, 2024), <a href="https://perma.cc/664U-C2T2">https://perma.cc/664U-C2T2</a>	Extra Record Evidence
A-5			No	Armando Garcia, <i>Immigrants begin receiving relief from deportation under new Biden executive order</i> , ABC NEWS (Aug. 21, 2024), <a href="https://perma.cc/TAC8-JWUZ">https://perma.cc/TAC8-JWUZ</a>	FRE 402, 802  Extra Record Evidence
A-6			No	Detention and Parole of Inadmissible Aliens; Interim Rule with Request for Comments, 47 Fed. Reg. 30,044, (July 9, 1982), <a href="https://perma.cc/F7BH-F4UJ">https://perma.cc/F7BH-F4UJ</a> (relevant pages only)	FRE 402  Extra Record Evidence

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	AGREED AS TO ADMISSIBILITY	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	DEFENDANTS' OBJECTIONS <sup>1</sup>
A-7			No	<i>Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States</i> , U.S. CITIZENSHIP AND CUSTOMS SERVS. (May 2, 2023), <a href="https://perma.cc/L64A-H28L">https://perma.cc/L64A-H28L</a>	FRE 402  Extra Record Evidence
A-8			No	Dep't of Homeland Sec. Off. of Inspector Gen., <i>The Unified Coordination Group Struggled to Track Afghan Evacuees Independently Departing U.S. Military Bases</i> , DEP'T OF HOMELAND SEC. (Sept. 29, 2022), <a href="https://perma.cc/37BP-THB6">https://perma.cc/37BP-THB6</a>	FRE 402, 802  Extra Record Evidence
A-9			No	Press Release, <i>DHS Announces Re-parole Process for Afghan Nationals in the United States</i> , DEP'T OF HOMELAND SEC. (June 8, 2023), <a href="https://perma.cc/QT2A-2NG2">https://perma.cc/QT2A-2NG2</a>	FRE 402, 802  Extra Record Evidence
A-10			No	<i>Re-Parole Process for Certain Afghans</i> , IMMIGR. AND CUSTOMS SERVS. (Sept. 27, 2023), <a href="https://perma.cc/NT7B-DKFU">https://perma.cc/NT7B-DKFU</a>	FRE 402  Extra Record Evidence
A-11			No	<i>Fees for Visa Services</i> , DEP'T OF STATE, (accessed Sept. 25, 2023), <a href="https://perma.cc/92JU-BARM">https://perma.cc/92JU-BARM</a>	FRE 402  Extra Record Evidence
A-12			No	<i>Form DS-260</i> , DEP'T OF STATE, (Oct. 2019), <a href="https://perma.cc/B99K-2VND">https://perma.cc/B99K-2VND</a>	FRE 402, 403  Extra Record Evidence

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	AGREED AS TO ADMISSIBILITY	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	DEFENDANTS' OBJECTIONS <sup>1</sup>
A-13			No	<i>Reminders on the Process to Promote the Unity and Stability of Families</i> , U.S. CITIZENSHIP AND IMMIGR. SERVS. (July 17, 2024), <a href="https://perma.cc/W587-DBJZ">https://perma.cc/W587-DBJZ</a>	Extra Record Evidence
A-14			No	Medicaid.gov, <i>Medicaid and CHIP Coverage of Lawfully Residing Children &amp; Pregnant Individuals</i> , CENTERS FOR MEDICARE & MEDICAID SERVICES, (May 4, 2023), <a href="https://www.medicaid.gov/medicaid/enrollment-strategies/medicaidand-chip-coverage-lawfully-residing-children-pregnant-individuals">https://www.medicaid.gov/medicaid/enrollment-strategies/medicaidand-chip-coverage-lawfully-residing-children-pregnant-individuals</a>	FRE 402, 802 Extra Record Evidence
A-15			No	Rebecca Beitsch, <i>House Outlines Immigration Provisions in Latest Build Back Better Package</i> , THE HILL (Nov. 3, 2021), <a href="https://perma.cc/J2LR-FRYE">https://perma.cc/J2LR-FRYE</a>	FRE 402, 802 Extra Record Evidence
B			Yes	Defendants' Supplemental Responses and Objections to Plaintiffs' First Set of Jurisdictional Requests for Production, Interrogatories, and Requests for Admission, ECF No. 79-2	
C			No	Declaration of Amy Copeland, ECF No. 79-3	FRE 402 Extra Record Evidence <sup>2</sup>
D			No	Declaration of Susan Bricker, ECF No. 79-4	FRE 402, 802 Extra Record Evidence

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<sup>2</sup> Defendants will only lodge an "Extra Record" Objection to any declarant offered for admission, if the purpose of admission is to supplement the administrative record.

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	AGREED AS TO ADMISSIBILITY	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	DEFENDANTS' OBJECTIONS <sup>1</sup>
E			No	Declaration of Rebecca Waltz, ECF No. 79-5	FRE 402  Extra Record Evidence
F			No	Declaration of Lloyd B. Pot- ter, Ph. D., ECF No. 79-6	FRE 402, 802, 701, 702/ <i>Daubert v. Merrell Dow Pharms., Inc.</i> , 509 U.S. 579, 582 (1993)  FRCP 26(a)(2), 26(e)(2).  Extra Record Evidence

Dated: November 1, 2024

**KEN PAXTON**  
Attorney General of Texas

**BRENT WEBSTER**  
First Assistant Attorney General

**RALPH MOLINA**  
Deputy First Assistant Attorney General

**AUSTIN KINGHORN**  
Deputy Attorney General for Legal Strategy

/s/ Ryan D. Walters  
**RYAN D. WALTERS**  
Chief, Special Litigation Division  
Texas Bar No. 24105085  
Ryan.Walters@oag.texas.gov

**KATHLEEN T. HUNKER**  
Special Counsel  
Texas Bar No. 24118415  
Kathleen.Hunker@oag.texas.gov

**GARRETT GREENE**  
Special Counsel  
Texas Bar No. 24096217  
Garrett.Greene@oag.texas.gov

**ZACHARY RHINES**  
Special Counsel  
Texas Bar No. 24116957  
Zachary.Rhines@oag.texas.gov

Office of the Attorney General of Texas  
Special Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: 512-463-2100  
Fax: 512-457-4410

Respectfully submitted,

**GENE P. HAMILTON**  
Virginia Bar No. 80434

**JAMES K. ROGERS**  
Arizona Bar No. 027287

**RYAN GIANNETTI**  
DC Bar No. 1613384

America First Legal Foundation  
611 Pennsylvania Ave. SE #231  
Washington, DC 20003  
(202) 964-3721  
Gene.Hamilton@aflegal.org  
James.Rogers@aflegal.org  
Ryan.Giannetti@aflegal.org

**COUNSEL FOR PLAINTIFF**  
**STATE OF TEXAS**

**RAUL R. LABRADOR**  
Idaho Attorney General

/s/ Alan Hurst  
Alan Hurst  
Solicitor General  
Michael A. Zarian  
Deputy Solicitor General  
Office of the Idaho Attorney General  
P.O. Box 83720  
Boise, Idaho 83720  
(208) 334-2400  
Alan.Hurst@ag.idaho.gov  
Michael.Zarian@ag.idaho.gov

**COUNSEL FOR STATE OF IDAHO**



**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 1, 2024, which serves all counsel of record.

/s/Ryan D. Walters

RYAN D. WALTERS